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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,750	05/26/2004	Mohammad Saberan	LC0153PUS	3749
36014	7590	03/28/2005	EXAMINER	
JOHN A. ARTZ ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			BURNHAM, SARAH C	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,750

Applicant(s)

SABERAN, MOHAMMAD

Examiner

Sarah C. Bumham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 18-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Group 1, Figures 1-3 and Group 2, Figures 4-7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. Thomas Donohue on March 8, 2005 a provisional election was made with traverse to prosecute the invention of group 1, claims 1-10 and 20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Information Disclosure Statement

4. The information referred to in the information disclosure statements filed on April 26, 2004 has been considered as to the merits.

Specification

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5. The abstract of the disclosure is objected to because the abstract contains more than 150 words. Additionally, it appears as if the phrase "rotatably is" in line 10 should be replaced with - - is rotatably- -. Correction is required. See MPEP § 608.01(b).

Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

6. The disclosure is objected to because of the following informalities: Lines 9 and 10 of paragraph 16 refer to the seatback element 12. Reference numeral 12 appears to pertain to the seat element not the seat back element.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following words/phrases lack sufficient antecedent basis:

- said seatback forward structure (claim 4, line 3)

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 3-6 and 9-10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ganser et al. (6,550,856). Ganser et al. disclose an automotive seat assembly for use in an automobile comprising: an automotive seat element (1) comprising: a seatback element (3) comprising a seatback forward face (unlabeled), a seatback top face (unlabeled), and a seatback rearward face (unlabeled), said seatback element can "pivot about a seat-back axis of rotation A3" (column 9, line 29) between a seatback use position (i.e. referred to as an "upright position" (column 9, line 37)) and a seatback folded position (i.e. referred to as "a tilted-forward position" (column 9, line 38), and a seat base element (unlabeled) as is best disclosed in figure 9b, comprising a seat base top face (un-illustrated); a headrest mounting structure (11) positioned within said seatback element (3), a pivot structure (25) having a lower pivot end (15) and an upper

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pivot end (13), said lower pivot end (15) rotatably mounted to said headrest mounting structure (11), said pivot structure (25) rotatable about said lower pivot end (15) between a pivot structure storage position (see the forwardly projecting headrest structure in Figure 3a) and a pivot structure use position (see the rearward located headrest in Figure 3a), said pivot structure (25) extending vertically upward from said seatback top face (unlabeled) when in said pivot structure use position, said upper pivot end (13) rotating forward about said lower pivot end (15) to reach said pivot structure storage position; a headrest inner structure (17a) rotatably engaged to said upper pivot end (13), said headrest inner structure (17a) extending on a downward angle from said upper pivot end (13); a headrest outer structure (5)(5a) covering said headrest inner structure (17a), said headrest outer structure (5)(5a) comprising a head engagement surface (5a), said head rest inner structure (17a) rotatable away from said seat back element (3) such that as said pivot structure rotates into said pivot structure storage position, said headrest outer structure slides down along said seatback forward face as is best depicted in Figure 3a.

With respect to claim 3, said headrest inner structure (17a) comprises a u-shaped support (notice two arms of the lever (17a)) extending downward from said upper pivot (13).

With respect to claim 4, torsion springs (31a) and (31b) biases the head engagement surface (5a) in the downward position (column 5, lines 16-19) toward the seatback (3).

With respect to claim 5, said pivot structure (25) is biased toward said pivot structure storage position given that springs (31a)(31b) exert a downward force on lever (19a) and inner structure (17a) into said pivot structure storage position, said pivot structure (25) lockable using a lower pivot locking element (29) into said pivot structure use position; and said lower pivot locking element (29) disengaging said pivot structure (25) in response to said seatback element moving into said seatback folded position given that movement of the seatback (3) into the forward tilted or storage position, tension on the Bowden cable is relieved and the locking element (29) is released (column 9).

With respect to claim 6, an indentation (unlabeled), seen best in Figure 3a toward the top of the backrest (3) is formed in the seat back forward face (unlabeled), said headrest outer structure (5a)(5) moveable within said indentation as said pivot structure (25) moves between said pivot structure use position (rearward position in Figure 3a) and said pivot structure storage position (forward position in Figure 3a).

With respect to claim 9, said pivot structure (25) includes a pair of inwardly arched pivot arms (19a).

With respect to claim 10, said head engagement surface (5a) protrudes from said seatback forward face when in said pivot structure storage position, as is best seen in Figure 3a, said protruding prompting manual return to said pivot structure use position when said seatback element is returned to said seatback use position.

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11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganser et al. (6,550,856). Ganser discloses all claimed structural elements however does not disclose the specifically claimed method steps of folding, releasing, pivoting, sliding and returning.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to deduce the specifically claimed method steps from the structure disclosed by Ganser. Furthermore, Ganser discloses how the movement can be achieved manually in column 9, line 58.

13. Claims 2, 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganser et al. (6,550,856) in view of Tame (6,192,565). As disclosed above, Ganser reveals all claimed elements with the exception of a headrest that slides downwardly parallel to the seat back and to a position located completely below the seat back.

Tame teaches the use of a headrest (24) that slides parallel with respect to back (18) and to a position that is completely below the upper surface (20) of the seat back.

It would have been obvious to one of ordinary skill in the art to modify the headrest disclosed by Ganser et al. so that it moves parallel to the seat back and to a

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position completely below the seat back. Such a modification would further reduce the footprint of the seat back and headrest in the folded position.

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ganser (6,550,856) in view of Ishibashi (4,657,297). As disclosed above, Ganser reveals all claimed elements with the exception of a headrest rear protrusion fitting into a lower face of said indentation.

Ishibashi teaches the use of a headrest (4) with a rear protrusion (unlabeled) that fits into an indentation having a lower face as is best disclosed in Figure 2.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify the profile of the seat back to have a more defined indentation with a lower face. Such a modification would make the headrest more flush with the seatback further diminishing the footprint of the backrest and headrest combination in the folded position.

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Lambert et al. (5,466,043); Helig et al. (5,823,619); Reed et al. (6,860,564); Andreasson et al. (6,779,839); Takata (6,612,653); Sutton et al. (5,738,411); Parsson et al. (4,350,389); Klink et al. (6,796,613); Schambre et al. (6,709,051); Skogward (WO/94/01302); Nylander (6,450,579) and Hashimoto (5,681,077).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCB
March 10, 2005


PETER R. BROWN
PRIMARY EXAMINER